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SENATE BILL 1059

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

H. Diane Snyder

AN ACT

RELATING TO STATUTES; PROVIDING FOR GENDER-NEUTRAL LANGUAGE IN  
STATE LEGISLATION, RULES AND OTHER DOCUMENTS; CREATING THE CODE  
REVISION COMMITTEE; ASSIGNING DUTIES; AUTHORIZING CODE  
REVISIONS; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. STATE DOCUMENTS-- GENDER-NEUTRAL LANGUAGE. --

A. Gender-neutral language shall be used in  
drafting laws, memorials, resolutions or other documents  
produced by the legislative council service or rules produced  
by the legislative, executive or judicial branches of the state  
or its subdivisions.

B. When amending a section, article or chapter of  
statutes or when amending rules, a masculine or feminine  
gender-specific word shall be changed to a gender-neutral word

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1 only when it is clear that the statute or rule is not  
2 exclusively applicable to members of one sex.

3 C. Gender-neutral language shall not be used if it  
4 alters the meaning of the law being amended or compromises the  
5 clarity of the writing.

6 D. Gender-neutral language applies to the title of  
7 an act or other prefaces, headings or footnotes for rules and  
8 documents.

9 E. As used in this section:

10 (1) "gender-neutral" means language that does  
11 not expressly or implicitly refer to one sex to the real or  
12 apparent exclusion of the other and expressly or implicitly  
13 refers to both sexes without distinguishing between them; and

14 (2) "gender-specific" means language that  
15 expressly or implicitly refers to one sex to the real or  
16 apparent exclusion of the other or expressly or implicitly  
17 refers to both sexes and distinguishes between them.

18 Section 2. LEGISLATIVE COUNCIL SERVICE-- GENDER- NEUTRAL  
19 LANGUAGE.--To carry out its duty to improve the form or wording  
20 of the statutes and to clarify and reconcile their provisions  
21 as set out in Section 2-3-8 NMSA 1978, the legislative council  
22 service shall act as a revisor of statutes by reviewing the  
23 statutes and replacing gender-specific language where  
24 reasonable and possible.

25 Section 3. CODE REVISION COMMITTEE-- CREATED.-- A joint

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1 legislative interim committee is created that shall be known as  
2 the "code revision committee". The committee shall function  
3 from the date of appointment until the first day of December  
4 2008 prior to the first session of the forty-ninth legislature.

5 Section 4. MEMBERSHIP--APPOINTMENT--VACANCIES.--

6 A. The code revision committee shall be composed of  
7 eight members. The New Mexico legislative council shall  
8 appoint four members from the house of representatives and four  
9 members from the senate. At the time of making the  
10 appointment, the legislative council shall designate the chair  
11 and vice chair of the committee. The legislative council may  
12 appoint advisory members to the code revision committee as it  
13 deems necessary.

14 B. Members shall be appointed from each house so as  
15 to give the two major political parties in each house the same  
16 proportionate representation on the code revision committee as  
17 prevails in each house; however, in no event shall either party  
18 have less than one member from each house on the committee. At  
19 the request of the committee chair, members may be removed from  
20 the committee by the New Mexico legislative council for failure  
21 to attend meetings pursuant to legislative council policy.  
22 Vacancies on the committee, however caused, may be filled by  
23 the legislative council or the legislative council may reduce  
24 the size of the committee by not making replacement  
25 appointments and in that case the legislative council need not

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1 adjust the party representation.

2 C. No action shall be taken by the code revision  
3 committee if a majority of the total membership from either  
4 house on the committee rejects the action.

5 Section 5. DUTIES. --

6 A. After its appointment, the code revision  
7 committee shall hold one organizational meeting to develop a  
8 work plan, budget and schedule of meetings for the ensuing  
9 interim. The work plan, budget and schedule of meetings shall  
10 be submitted to the New Mexico legislative council for  
11 approval.

12 B. The code revision committee shall meet no more  
13 than four times annually.

14 C. Upon approval of the work plan, budget and  
15 schedule of meetings by the New Mexico legislative council, the  
16 committee shall review the work of the legislative council  
17 service to improve the form or wording of the statutes, clarify  
18 and reconcile statute provisions as set out in Section 2-3-8  
19 NMSA 1978, review the statutes and replace gender-specific  
20 language where reasonable and possible.

21 D. The code revision committee shall:

22 (1) provide guidance and direction to the  
23 legislative council service staff regarding revising the NMSA  
24 1978;

25 (2) review revisions to statutes drafted by

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1 the legislative council service staff; and

2 (3) recommend for introduction into the next  
3 legislative session a code revision bill if one is found to be  
4 necessary.

5 Section 6. SUBCOMMITTEES. -- Subcommittees shall be created  
6 only by a majority vote of a quorum of the code revision  
7 committee. A subcommittee shall be composed of at least one  
8 member from the senate, one member from the house of  
9 representatives and at least one member of the minority party  
10 from either house. All meetings and expenditures of a  
11 subcommittee shall be approved by the full committee in advance  
12 of a subcommittee meeting or expenditure. The creation of the  
13 subcommittee and the approval of meetings or expenditures for  
14 the subcommittee shall be shown in the minutes. The New Mexico  
15 legislative council may create subcommittees of the code  
16 revision committee as it deems necessary.

17 Section 7. REPORT. -- The code revision committee shall  
18 make a report of its findings and recommendations for  
19 consideration for any session of any legislature. The report  
20 and suggested legislation shall be made available to the New  
21 Mexico legislative council on or before December 15 preceding  
22 the legislative session in which the code revision committee's  
23 bill is introduced.

24 Section 8. STAFF. -- The legislative council service shall  
25 provide staff for the code revision committee.

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